



State of New Jersey

Department of Environmental Protection

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June 19, 2008

CERTIFIED MAIL/RRR

7005 1160 0004 0964 2605

CHRISTOPHER ANDERSON, DIRECTOR
LE CARPENTER
33587 WALKER RD
AVON LAKE, OH 44012

NOTICE OF DEFICIENCY

Re: Remedial Action Progress Reports for:
L E Carpenter
170 North Main St
Wharton, Morris County,
SRP PI# 003017
Activity Number Reference: RPC060001

Dear Mr. Anderson:

The New Jersey Department of Environmental Protection (Department) acknowledges receipt the receipt of Remedial Action Progress Reports for 2Q2006, 3Q2006, 4Q2006, 1Q2007, 2Q2007, 3Q2007, 4Q2007, and 1Q2008 submitted pursuant to the Administrative Consent Order (ACO) executed on September 26, 1986 and the Technical Requirements for Site Remediation at N.J.A.C. 7:26E (Tech Rule).

Deficiency

The Department has completed its review of the above mentioned submittals and has identified the following deficiency:

281843



Description of Deficiency: Pursuant to Paragraph 29 of the Administrative Consent Order, failure to conduct additional remediation as directed and to submit subsequent Remedial Investigation Reports and Remedial Action Reports in accordance with N.J.A.C. 7:26E as applicable..

Corrective Action

To correct these deficiencies please take the following actions or make the required submittals within the timeframes indicated:

Submit a Remedial Investigation Workplan within 60 days after receipt of this notice.

Detailed Explanation:

1. **7:26E-4.4(h)3vii: Failure to properly evaluate any surface water body potentially impacted by contaminated ground water.**

Table 5. Although not stated, LE Carpenter appears to have applied New Jersey Surface Water Quality Criteria for **FW-2** surface water for its assessment of ground water impacts to the Rockaway River. This is incorrect. The correct classification is **FW-2-NT(C1)**. This classification applies to the Rockaway River from the point of discharge of Washington Forge Pond to the Route 46 Bridge. The **C-1** classification prohibits any detectable site related contamination in surface waters above background due to ground water or other discharge. The River sampling results indicate a xylene "J" value of 1.1 ppb at sampling point **SW-R1**. The 3rd Quarter 2006 River sampling results indicated a DEHP "J" value of 2.00 ppb at sampling point **SW-R3**. "J" values have also been reported for site related contaminants at other River sampling points for recent sampling events.

LE Carpenter must implement measures to prevent discharge of site related contaminants to the Rockaway River above background. For all subsequent sampling rounds, New Jersey Surface Water Quality Criteria classification **C-1** shall apply to the sampling results for the River and ditch discharge to the River sampling points **DRC-2** and **SW-D5**.

2. **7:26E-6.3(a): Failure to contain or stabilize contaminants as a first priority, or to prevent contaminant exposure to receptors and to prevent further movement of contaminants through any pathway.**

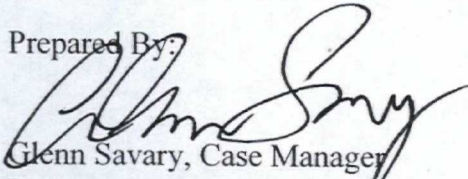
Sampling results for new replacement well MW30s (for MW-2) indicate significantly higher contaminant levels after source removal than before in old well MW-2. This contamination is likely discharging into the ditch, as indicated by the surface water sampling results. As stated on page 4-1, *"These data show that residual groundwater contamination remaining in the source reduction area is migrating into the drainage ditch, which is expected given the direction of groundwater seepage flow shown on Figure 5."*

The Department requires LE Carpenter to institute measures to prevent further discharge of ground water contamination into the ditch and Rockaway River. In order for LE Carpenter to determine the appropriate remedial measures, it shall submit a remedial investigation workplan that delineates groundwater contamination in the vicinity of MW-30S. In addition, an investigation must be conducted to identify the contaminated source(s) areas that are degrading surface water quality in the ditch and the Rockaway River.

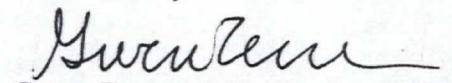
Note that if deficiencies included herein are not addressed to the Department's satisfaction within the specified time period the Department will consider them to be violations and may assess penalties pursuant to N.J.A.C. 7:26C-10, or pursuant to the terms stipulated in the ACO.

If you require copies of Department Guidance Documents or applications, many of these are available on the internet <http://www.state.nj.us/dep/srp>. If you have any questions regarding this matter contact Glenn Savary Case Manager, at (609) 633-0835, or at Glenn Savary@dep.state.nj.us, prior to the date indicated.

Prepared By:


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Bureau of Case Management

Reviewed By:


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